

# California Department of Insurance

## Fraud Division

### July 2012 Workers' Compensation Fraud Convictions

Effective January 01, 2005, Assembly Bill 2866 (Frommer) enacted Insurance Code Section 1871.9 requiring the posting of all workers' compensation fraud convictions to the CDI website.

Per section 1871.9, the department shall post all of the following information on its Internet Web site for each person, as defined in Section 19, convicted of a violation of this article (1871.4), Section 11760 or 11880, Section 3700.5 of the Labor Code or Section 487 or 550 of the Penal Code, if the violation involved workers' compensation insurance, services or benefits:

- The name, case number, county or court and other identifying information with respect to the case.
- The full name of the defendant.
- The city and county of the defendant's last known residence or business address.
- The date of conviction.
- A description of the offense.
- The amount of money alleged to have been defrauded.
- A description of the punishment imposed, including the length of any sentence of imprisonment and the amount of any fine imposed.

The information required to be posted under this section shall be maintained on the department Web site for a period of five years from the date of conviction or until the department is notified in writing by the person that the conviction has been reversed or expunged.

**Note:** If new documentation has been received that in any way affects the conviction information contained herein, please forward that documentation with an explanation to:

Bureau Chief, Workers' Compensation Program  
9342 Tech Center Drive, Suite 100  
Sacramento, CA 95826

A determination to make any changes will be made within sixty (60) days of receipt of the information.

## **July 2012 Workers' Compensation Fraud Convictions**

**CDI Case Number:** 11FW013864

**County:** Kern

**Defendant:** Jesus Ernesto Amezcua

**City/County of Residence:** Bakersfield/Kern

**Conviction Date:** 07/24/12

**Offense:** 1 Count of PC 550(b)(3) (False or Fraudulent Claim or Statement) (Misdemeanor)

**Amount Allegedly Defrauded:** \$30,680

**Sentence:** 113 Days County Jail, 3 Years Court Probation, Restitution to the victim in the amount to be determined by Probation Department, \$120 Civil Fine, \$290 Criminal Fine

**Case Number:** F11906385

**County:** Fresno

**Defendant:** Rogelio Lopez Castaneda

**City/County of Residence:** Selma/Fresno

**Conviction Date:** 07/17/12

**Offense:** 1 Count of IC 1871.4(a)(1) (Make or Cause to be Made a Knowingly False or Fraudulent Material Statement or Material Representation for the Purpose of Obtaining Compensation) (Misdemeanor)

**Amount Allegedly Defrauded:** \$3,000

**Sentence:** 1 Day County Jail, 4 Years Conditional Probation, \$3,000 Restitution, \$500 Criminal Fine (Suspended)

**Case Number:** 12-CR-19618

**County:** Amador

**Defendant:** David Lawrence Driscoll

**City/County of Residence:** Pioneer/Amador

**Conviction Date:** 07/16/12

**Offense:** 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

**Amount Allegedly Defrauded:** N/A

**Sentence:** 1 Year Summary Probation, \$120 Civil Fine, \$2,500 Criminal Fine

**CDI Case Number:** 12HW003190

**County:** Riverside

**Defendant:** Eduardo Guillen

**City/County of Residence:** Lake Elsinor/Riverside

**Conviction Date:** 07/16/12

**Offense:** 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

**Amount Allegedly Defrauded:** N/A

**Sentence:** 36 Months Summary Probation, \$120 Civil Fine, \$10,000 Criminal Fine (\$8,000 Suspended on Condition That Continuous Workers' Compensation Insurance Coverage is Maintained), \$8,410 to Workers' Compensation Fraud Account, \$210 Pre-Sentence Investigation Fee

**Case Number:** TCM265632

**County:** Tulare

**Defendant:** Esmeraldo Hernandez

**City/County of Residence:** Lamont/Kern

**Conviction Date:** 07/11/12

**Offense:** 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

**Amount Allegedly Defrauded:** N/A

**Sentence:** 36 Months Summary Probation, \$10,000 Criminal Fine (8,500 Suspended)

**Case Number:** M12918245

**County:** Fresno

**Defendant:** Danny David Mendoza

**City/County of Residence:** Fresno/Fresno

**Conviction Date:** 07/17/12

**Offense:** 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

**Amount Allegedly Defrauded:** N/A

**Sentence:** \$1,500 District Attorney's Office. Defendant enters into conditional settlement on agreed upon condition that defendant has no new arrests based on probable cause for 12 months. Conditional Settlement Hearing set for 07/17/2013

**CDI Case Name:** Dolphin Pool

**CDI Case Number:** 12HW002058

**County:** Riverside

**Defendant:** Gloria Gregoria Musser

**City/County of Residence:** Canyon Lake/Riverside

**Conviction Date:** 7/24/12

**Offense:** 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

**Amount Allegedly Defrauded:** N/A

**Sentence:** 36 Months Summary Probation, \$100 Civil Fine, \$10,000 Criminal Fine (\$8,000 Suspended), \$210 Probation Investigation Fee

**Case Number:** CD240301

**County:** San Diego

**Defendant:** David T. Pleman

**City/County of Residence:** Not available at this time

**Conviction Date:** 07/23/12

**Offense:** 1 Count of PC 487 (Grand Theft)

**Amount Allegedly Defrauded:** \$38,875.73

**Sentence:** 1 Day County Jail, 15 Days Community Service, 5 Years Court Probation, \$38,875.73 Restitution (Current Balance is \$28,685.30), \$240 Civil Fine

**CDI Name:** ServiceMaster

**CDI Number:** 11HW004645

**County:** San Bernardino

**Defendant:** SCMS, Inc.

**City/County of Residence:** Rancho Cucamonga/San Bernardino

**Conviction Date:** 07/20/12

**Offense:** 1 Count of IC 11880(a) (Premium Fraud); 1 Count of IC 11760(a) (Misrepresent Fact(s) to Obtain Workers' Compensation)

**Amount Allegedly Defrauded:** \$80,000

**Sentence:** \$80,000 Restitution, \$10,000 Criminal Fine, \$13,857.28 to CDI for Investigative Expenses

**Case Number:** TCM263391

**County:** Tulare

**Defendant:** Mehdi Mohd Shalwani

**City/County of Residence:** Hanford/Kings

**Conviction Date:** 07/30/12

**Offense:** 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

**Amount Allegedly Defrauded:** N/A

**Sentence:** 1 Day County Jail, 12 Months Summary Probation, \$10,000 Criminal Fine (9,000 Suspended)

**Case Number:** 62-113162

**County:** Placer (Prosecuted by Amador County District Attorney)

**Defendant:** Usvaldo Villalpandosolorio

**City/County of Residence:** Sacramento/Sacramento

**Conviction Date:** 07/16/12

**Offense:** 1 Count of LC 3700.5 (No Workers' Compensation Insurance)

**Amount Allegedly Defrauded:** N/A

**Sentence:** 6 Months Conditional Probation, Pay \$1,200 to the Workers' Compensation Fraud Fund